

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUMBERTO LOZANO-VALDOBINOS,	)	CASE NO.	C07-0430-JCC-MAT
	)		(CR04-145-JCC)
Petitioner,	)		
	)	ORDER DIRECTING RESPONDENT	
v.	)	TO SERVE ANSWER TO § 2255	
	)	MOTION ON PETITIONER AND	
UNITED STATES OF AMERICA,	)	RENOTING RESPONDENT'S	
	)	ANSWER	
Respondent.	)		
_____	)		

This is an action brought pursuant to 28 U.S.C. § 2255. On December 11, 2007, the Court received a letter from petitioner in which he states that he never received a copy of respondent's answer to his § 2255 motion. A review of the certificate of service attached to the government's answer supports petitioner's claim. The certificate indicates that notification of the filing of the answer was to be provided to petitioner's attorney via the CM/ECF system. However, petitioner is not represented by counsel in this action. The government was therefore required to mail a copy of the answer to petitioner.<sup>1</sup> Nothing in the record indicates that the government fulfilled this

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<sup>1</sup> The Electronic Case Filing (ECF) User's Manual provides as follows: **"It is the filer's responsibility to serve hard copies of the pleading and Notice of Electronic Filing to**

01 requirement.

02       Accordingly, the Court hereby directs the United State's Attorney's Office to mail to  
03 petitioner a copy of its answer. Petitioner shall file and serve any response to respondent's answer  
04 not later than ***January 28, 2008***. The government's answer is RE-NOTED on the Court's motion  
05 calendar for consideration on ***February 1, 2008***. The government shall file and serve any reply  
06 brief by that date. The parties are advised that no further extensions will be granted, absent  
07 exceptional circumstances.

08       DATED this 4th day of January, 2008.

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10 Mary Alice Theiler  
11 United States Magistrate Judge  
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22 **attorneys and pro se parties who have indicated they *do not* have e-mail accounts.”** (Page 34, Emphasis in Original).

ORDER DIRECTING RESPONDENT TO SERVE  
ANSWER TO PETITION ON PETITIONER AND  
RENOTING RESPONDENT'S ANSWER